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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/823,409	04/12/2004	Matthew X. Jecker	578-5

Jonathan A. Bay  
 Suite 314  
 333 Park Central East  
 Springfield, MO 65806



CONFIRMATION NO. 3244

## FORMALITIES LETTER



\*OC00000013072864\*

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$450** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

08/31/2004 BSAYAS11 00000021 10823409

Commissioner for Patents

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*A copy of this notice **MUST** be returned with the reply.*

*E. J. J. J.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthew X. JECKER

Serial No: 10/823,409

Filed: April 12, 2004

For: CONCRETE MIX COUNTERTOP PRODUCTION AND  
PRODUCTS

TRANSMITTAL LETTER

CERTIFICATE UNDER 37 CFR 1.8(a)  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O.  
Box 1450, Alexandria, VA 22313-1450

ON 8-25-04  
Jonathan Bay  
REGISTRATION NO. 35064  
DATE 8-25-04

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find enclosed for filing:

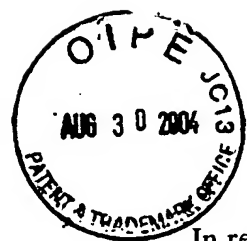
- ☒ Response to Notice of Missing Parts -- Processing and Retention Under 37 CFR 1.53
- ☒ Copy of *Notice to File Missing Parts of Application - Filing Date Granted* (PTO-1533).
- ☒ Applicant claims small entity status under 37 C.F.R. §1.27.
- ☒ A check in the amount of \$ 130.00, for processing and retention fee (37 CFR 1.21(l)).
- ☒ Other: Return Postcard.

Date: 8-25-04

Respectfully submitted,

Jonathan Bay  
Jonathan A. Bay  
Registration No. 35,064  
Attorney at Law  
333 Park Central East, Ste. 314  
Springfield, MO 65806  
(417) 873-9100

Docket No. 578-5



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthew X. JECKER

Serial No: 10/823,409

Filed: April 12, 2004

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ON 8-25-04  
Jonathan A. Bay  
REGISTRATION NO. 35064  
DATE 8-25-04

**RESPONSE to NOTICE of MISSING PARTS, &  
PROCESSING and RETENTION under 37 CFR 1.53**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Parts, mailed June 25, 2004 (a copy of which is enclosed), applicant respectfully requests the above-captioned application be PROCESSED and RETAINED under rule 37 C.F.R. §53 in order that the above-identified application may be used as a basis for priority under 35 U.S.C. 120 for a commonly-invented, commonly-owned, co-pending application of same title, filed on date of April 13, 2004, assigned application no. 10/823,406 (ie., six, and not nine as the above-captioned application no.).

The processing and retention fee under 37 C.F.R. §1.21(l) is submitted herewith. Applicant claims small entity status under 37 C.F.R. §1.27.

Respectfully submitted,

Date: 8-25-04

Jonathan A. Bay  
Jonathan A. Bay  
Registration No. 35,064  
Attorney at Law  
333 Park Central East, Suite 314  
Springfield, MO 65806  
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Docket No. 578-5